

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

PANIGRAHY ET AL.

Group Art Unit: 2163

Application No. 10/801,907

Examiner: LIE, ANGELA M

Confirmation No. 3071

Filing Date: March 15, 2004

For: Identification of a Longest Matching
Prefix Based on a Search of Intervals
Corresponding to the Prefixes

INTERVIEW SUMMARY

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

Applicants greatly appreciate Examiner Lie contacting Applicant's representative on September 11, 2008, to briefly discuss a couple of informalities regarding the application.

First, Applicants authorize the Office to correct the obvious typographical error in line 2 of claim 6, as it should refer to the "apparatus" not "method".

Next, Applicants agree with the Office that we want to ensure that the claims are not directed to non-statutory subject matter. Specifically, Examiner Lie asked Applicants to clarify their position on claim construction of independent claim 6 (which is written in means plus function format) in light of the specification. Applicants believe that considering claim 6 to be pure software would NOT be a proper construction of thereof. Additionally, Applicants also point out to the Office that FIGs. 4A-D illustrate various hardware configurations, albeit, that may be configured using software/firmware etc. But software/firmware etc. in such a scenario would only be a partial means for doing the recited step or function, and that a proper claim

construction would be, for example, the hardware configured to perform the recited step or function.

Applicants further note that this position is consistent with the Federal Circuit in *State Street Bank & Trust Co. v. Signature Financial Group Inc.*, 47 USPQ2d 1596, 1599 (Fed. Cir. 1998) ("*State Street Bank*"). In *State Street Bank*, the Federal Circuit construed the limitations of the claim at issue of not merely to be directed to software, but to be apparatus claims (i.e., "second means" was properly construed to be "an arithmetic logic circuit configured to retrieve information from a specific file...", and not "software for retrieving information from a specific file..."). *Id.* Remember *State Street Bank* is an important precedential case discussing what is patentable subject matter. Applicants note that the disclosure of the instant case states " the phrase 'means for xxx' typically includes computer-readable medium or media containing computer-executable instructions for performing xxx," (*emphasis added*) which is accurate (and also includes the word "typically" as there are other embodiments). Also, these claim limitations do not recite "a partial means for ..." but rather recite "means for" Applicants are confused by how software alone can perform the recited functionality (e.g., "means for..."), without the requisite hardware to execute the software? Therefore, Applicants respectfully submit that a proper claim construction of claim 6, consistent with the Federal Circuit in *State Street Bank* for its apparatus claims, excludes merely software; but rather requires apparatus limitations, such as, but not limited to, one or more processors and memory configured to perform operations according to computer-readable medium containing computer-executable instructions. In other words, not "partial means for..." (e.g., software), but "means for..." (e.g., hardware operating according to software) in one embodiment.

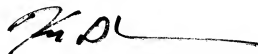
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Finally, Applicants believe that this paper fulfills the requirements of 37 CFR 1.133 and MPEP § 713.04., and that no exhibit was shown, no demonstration was conducted, and no proposed amendments were discussed other than the correction of the typographical error in claim 6.

Respectfully submitted,
The Law Office of Kirk D. Williams

Date: September 11, 2008

By



Kirk D. Williams, Reg. No. 42,229
One of the Attorneys for Applicant
CUSTOMER NUMBER 26327
The Law Office of Kirk D. Williams
PO Box 39425, Denver, CO 80239-0425
303-282-0151 (telephone), 303-778-0748 (fax)